IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

Crl.MC.No. 3780 of 2006()

CC.454/2004 of CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR
CRIME NO. 918/04 OF TRICHUR TOWN EAST POLICE STATION

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PETITIONER: ACCUSED:

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1. BIJU M.MENON, S/O.M.MURALIDHARAN,
AGED 35 YEARS, SIVALAYATHIL MADATHIL VEETTIL,
CHEMBUKKAVU VILLAGE, THRISSUR TALUK,THRISSUR DIST.

2. INDUMATHI, W/O.MURALIDHARAN,
AGED 60 YEARS,MADATHIL VEETTIL,CHEMBUKKAVU VILLAGE
THRISSUR TALUK, THRISSUR DISTRICT.

BY ADV. SRI.R.PARTHASARATHY
SRI.C.JAYACHANDRAN

RESPONDENTS: COMPLAINANT & STATE:

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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. VIDYA, D/O.POOLOTH VENUGOPAL,
AGED 27 YEARS, KAMATH LANE, KOTTAPPURAM DESOM,
THRISSUR TALUK, THRISSUR DISTRICT.

R2 BY ADV. SRI.K.R.GANESH
R1 BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 07/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 3780 of 2006

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Dated this the 7th day of March, 2007

O R D E R

The petitioners are accused 1 and 2 in a prosecution for the offence punishable under Section 498A r/w. 34 I.P.C. The first accused is the husband and the second accused is the mother-in-law of the defacto complainant, the second respondent herein. The second respondent had filed a private complaint, which was referred to the police under Section 156(3) Cr.P.C. After investigation the final report was filed and cognizance was taken by the learned Magistrate.

2. The petitioners have now come before this Court with a prayer to invoke the powers under Section 482 Cr.P.C. to quash the proceedings initiated against them. The second respondent has entered appearance through counsel. She also supports the prayer for quashing of proceedings. A joint application has been filed by the rival contestants duly counter signed by the respective counsel to inform the court that the matter has been settled between the parties

amicably and that the second respondent has compounded the offences allegedly committed by the petitioners.

3. I am satisfied from the submissions made at the Bar as also the joint petition filed by the rival contestants duly counter signed by their counsel that the disputes have been settled. The counsel for the second respondent vouches for the signature of the second respondent in the application for composition. I am, in these circumstances, satisfied that if legally permissible, the prayer for premature termination of the proceedings can be accepted.

4. The offence under Section 498A I.P.C. is not compoundable under Section 320 Cr.P.C. Eventhough the offence is not compoundable, the dictum in **B.S. Joshi** v. **State of Haryana** (AIR 2003 SC 1386) is pressed into service to justify the prayer for quashing the proceedings under Section 482 Cr.P.C. in the peculiar facts and circumstances of this case. It is trite that powers under Section 482 Cr.P.C. can be invoked in the interests of justice and at times the interests of justice may transcend the interests of mere law. I am satisfied that the joint request of both sides made before me can be accepted.

5. This Crl.M.C. is accordingly allowed. C.C.No. 454 of 2004 pending before the learned Chief Judicial Magistrate, Trichur against the petitioners is hereby quashed.

(R. BASANT)
Judge

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